

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2069

To amend the Foreign Assistance Act of 1961 to authorize assistance to prevent, treat, and monitor HIV/AIDS in sub-Saharan African and other developing countries.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2001

Mr. HYDE introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To amend the Foreign Assistance Act of 1961 to authorize assistance to prevent, treat, and monitor HIV/AIDS in sub-Saharan African and other developing countries.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Global Access to HIV/  
5 AIDS Prevention, Awareness, Education, and Treatment  
6 Act of 2001”.

7 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

8 (a) FINDINGS.—Congress makes the following find-  
9 ings:

1           (1) The HIV/AIDS pandemic has claimed  
2           22,000,000 lives since its inception.

3           (2) More than 17,000,000 individuals have died  
4           from HIV/AIDS in sub-Saharan Africa alone.

5           (3) More than 36,000,000 individuals are in-  
6           fected with HIV, of which approximately 25,000,000  
7           individuals live in sub-Saharan Africa.

8           (4) The HIV/AIDS pandemic in sub-Saharan  
9           Africa has grown beyond an international public  
10          health issue to become a humanitarian and develop-  
11          mental crisis.

12          (5) Although the HIV/AIDS pandemic has im-  
13          pacted the sub-Saharan region of Africa dispropor-  
14          tionately, HIV infection rates are rising rapidly in  
15          India and other South Asian countries, Brazil, Car-  
16          ibbean countries, and Russia, and pose a serious  
17          threat to the security and stability in those coun-  
18          tries.

19          (6) By 2010, it is estimated that approximately  
20          40,000,000 children worldwide will have lost one or  
21          both of their parents to HIV/AIDS.

22          (7) In January 2000, the United States Na-  
23          tional Intelligence Council released an intelligence  
24          estimate that framed the HIV/AIDS pandemic as a

1 security threat, noting the relationship between the  
2 disease and political and economic instability.

3 (8) The overriding priority for responding to  
4 the HIV/AIDS crisis should be to emphasize and en-  
5 courage awareness, education, and prevention, in-  
6 cluding prevention activities that promote behavioral  
7 change. In so doing, priority and support should be  
8 given to nongovernmental organizations, including  
9 faith-based organizations.

10 (9) An effective response to the HIV/AIDS pan-  
11 demic must also involve assistance to stimulate the  
12 development of sound health service delivery infra-  
13 structure systems in sub-Saharan African and other  
14 developing countries.

15 (10) Access to effective treatment for HIV/  
16 AIDS is determined by issues of price, health system  
17 infrastructure, and sustainable financing and such  
18 access can be inhibited by the stigma and discrimi-  
19 nation associated with HIV/AIDS.

20 (11) An effective United States response to the  
21 HIV/AIDS crisis must also focus on the development  
22 of HIV/AIDS vaccines to prevent the spread of the  
23 disease as well as the development of microbicides,  
24 effective diagnostics, and simpler treatments.

1           (12) The innovative capacity of the United  
2 States in the commercial and public pharmaceutical  
3 research sectors is among the foremost in the world,  
4 and the active participation of both these sectors  
5 should be supported as it is critical to combat the  
6 global HIV/AIDS pandemic.

7           (13) Appropriate treatment of individuals with  
8 HIV/AIDS can prolong the lives of such individuals  
9 and increase their productivity by allowing them to  
10 lead active lives and reduce the need for costly hos-  
11 pitalization for treatment of opportunistic infections  
12 caused by HIV.

13           (14) United States volunteers with skills in  
14 healthcare and HIV/AIDS counseling and prevention  
15 programs have proven effective in combating the  
16 HIV/AIDS pandemic and can be a resource in as-  
17 sisting sub-Saharan African leaders of traditional,  
18 political, business, and youth organizations in their  
19 efforts to prevent the spread of HIV/AIDS through  
20 awareness and educational programs.

21           (15) Most of the HIV infected poor of the de-  
22 veloping world die of deadly opportunistic diseases  
23 such as tuberculosis. Accordingly, effective HIV/  
24 AIDS treatment programs should address the grow-  
25 ing threat and spread of tuberculosis in the devel-

1       oping world. Malaria is also a major infectious dis-  
2       ease that kills many individuals, particularly chil-  
3       dren.

4               (16) Microenterprise development programs as-  
5       sist communities afflicted by the HIV/AIDS pan-  
6       demic and increase the productive capacity of com-  
7       munities and afflicted households. Microenterprise  
8       programs are also an effective means to support the  
9       productive activities of healthy family members car-  
10      ing for the sick and orphaned.

11      (b) SENSE OF CONGRESS.—It is the sense of Con-  
12      gress that—

13              (1)(A) combatting the HIV/AIDS pandemic in  
14      sub-Saharan African and other developing countries  
15      should be a global effort and include the financial  
16      support of all developed countries and the coopera-  
17      tion of governments and the private sector, including  
18      faith-based organizations; and

19              (B) the United States should provide additional  
20      funds for multilateral programs and efforts to com-  
21      bat HIV/AIDS and also seek to leverage public and  
22      private resources to combat HIV/AIDS on a global  
23      basis through the Global Development Alliance Ini-  
24      tiative of the United States Agency for International  
25      Development and other public and private partner-

1 ships with an emphasis on HIV/AIDS awareness,  
2 education, and prevention programs;

3 (2)(A) in addition to HIV/AIDS awareness,  
4 education, and prevention programs, the United  
5 States Government should support programs that  
6 safely make available to public and private entities  
7 in sub-Saharan African and other developing coun-  
8 tries pharmaceuticals and diagnostics for HIV/AIDS  
9 therapy in order—

10 (i) to effectively and safely and assist such  
11 countries in the delivery of HIV/AIDS therapy  
12 pharmaceuticals through the establishment of  
13 adequate health care delivery systems and  
14 treatment monitoring programs; and

15 (ii) to provide treatment for poor individ-  
16 uals with HIV/AIDS in such countries; and

17 (B) in carrying out such programs, priority  
18 consideration for participation should be given to  
19 sub-Saharan African countries;

20 (3) the United States should promote efforts to  
21 expand and develop programs that support the grow-  
22 ing number of children orphaned by the HIV/AIDS  
23 pandemic;

24 (4) treatment for HIV/AIDS should be a com-  
25 ponent of a comprehensive international effort to

1 combat deadly infectious and opportunistic diseases,  
2 including malaria and tuberculosis, that kill millions  
3 annually in the developing world;

4 (5) the United States Agency for International  
5 Development should carry out HIV/AIDS awareness,  
6 prevention, and treatment programs in conjunction  
7 with effective international tuberculosis and malaria  
8 treatment and eradication programs; and

9 (6) the United States Agency for International  
10 Development should expand and replicate successful  
11 microenterprise programs in Uganda, Zambia,  
12 Zimbabwe, and other African countries that provide  
13 poor families affected by HIV/AIDS with financial  
14 services, such as life, health care, and credit insur-  
15 ance, and the means to care for themselves, their  
16 children, and orphans.

17 **SEC. 3. ASSISTANCE TO COMBAT HIV/AIDS.**

18 (a) ASSISTANCE.—Section 104(c) of the Foreign As-  
19 sistance Act of 1961 (22 U.S.C. 2151b(c)) is amended—

20 (1) by striking paragraphs (4) through (6); and

21 (2) by inserting after paragraph (3) the fol-  
22 lowing:

23 “(4)(A) Congress recognizes that the alarming spread  
24 of HIV/AIDS in sub-Saharan African and other devel-  
25 oping countries is a major global health threat and hu-

1 humanitarian crisis. Accordingly, the United States and  
2 other developed countries should provide assistance to sub-  
3 Saharan and other developing countries to control this cri-  
4 sis through HIV/AIDS prevention, treatment, monitoring,  
5 and related activities.

6 “(B)(i) The Administrator of the United States  
7 Agency for International Development is authorized to  
8 provide assistance to prevent, treat, and monitor HIV/  
9 AIDS, and carry out related activities, in sub-Saharan Af-  
10 rican and other developing countries.

11 “(ii) It is the sense of Congress that the Adminis-  
12 trator should provide an appropriate level of assistance  
13 under clause (i) through nongovernmental organizations  
14 in Sub-African and other developing countries affected by  
15 the HIV/AIDS pandemic.

16 “(iii) The Administrator shall coordinate the provi-  
17 sion of assistance under clause (i) with the provision of  
18 related assistance by the Joint United Nations Pro-  
19 gramme on HIV/AIDS (UNAIDS), the United Nations  
20 Children’s Fund (UNICEF), the World Health Organiza-  
21 tion (WHO), other similar international organizations, na-  
22 tional, state, and local governments of foreign countries,  
23 and other appropriate governmental and nongovernmental  
24 organizations.

1 “(C) Assistance provided under subparagraph (B)  
2 shall, to the maximum extent practicable, be used to carry  
3 out the following activities:

4 “(i) Primarily the prevention of HIV/AIDS  
5 through—

6 “(I) voluntary testing and counseling; and

7 “(II) assistance through nongovernmental  
8 organizations, including faith-based organiza-  
9 tions, particularly those organizations that uti-  
10 lize volunteers, to establish and implement cul-  
11 turally appropriate HIV/AIDS education and  
12 prevention programs.

13 “(ii) The treatment of individuals with HIV/  
14 AIDS, including—

15 “(I) assistance to establish and implement  
16 programs to strengthen and broaden indigenous  
17 health care systems infrastructure and the ca-  
18 pacity of such systems to deliver HIV/AIDS  
19 pharmaceuticals and otherwise provide for the  
20 treatment of individuals with HIV/AIDS, in-  
21 cluding clinical training for indigenous organi-  
22 zations and health care providers; and

23 “(II) assistance aimed at the prevention of  
24 transmission of HIV/AIDS from mother to  
25 child.

1           “(iii) The monitoring of programs, projects, and  
2 activities carried out pursuant to clauses (i) and (ii),  
3 including—

4                   “(I) monitoring to ensure that adequate  
5 controls are established and implemented to  
6 provide HIV/AIDS pharmaceuticals and other  
7 appropriate medicines to poor individuals with  
8 HIV/AIDS; and

9                   “(II) appropriate evaluation and surveil-  
10 lance activities.

11           “(iv) The conduct of related activities,  
12 including—

13                   “(I) the care and support of children who  
14 are orphaned by the HIV/AIDS pandemic, in-  
15 cluding through innovative programs modeled  
16 on foster care and other services designed to  
17 care for orphaned children in a family environ-  
18 ment; and

19                   “(II) the development and expansion of fi-  
20 nancially-sustainable microfinance institutions  
21 that strengthen the economic and social viabil-  
22 ity of communities afflicted by the HIV/AIDS  
23 pandemic, including support for the savings and  
24 productive capacity of affected poor households  
25 caring for orphans and the provision of finan-

1           cial services, such as life, health, and credit in-  
2           surance.

3           “(D) The Administrator shall submit to Congress an  
4 annual report of the implementation of this paragraph for  
5 the prior year.

6           “(E)(i) There are authorized to be appropriated to  
7 the President to carry out this paragraph \$469,000,000  
8 for each of the fiscal years 2002 and 2003.

9           “(ii) Not more than three percent of the amount ap-  
10 propriated pursuant to the authorization of appropriations  
11 under clause (i) for a fiscal year may be used for the ad-  
12 ministrative expenses of the Agency in carrying out this  
13 paragraph.

14           “(iii) Amounts appropriated pursuant to the author-  
15 ization of appropriations under clause (i) are in addition  
16 to amounts otherwise available for such purposes and are  
17 authorized to remain available until expended.

18           “(F) In this paragraph:

19           “(i) The term ‘HIV’ means infection with the  
20 human immunodeficiency virus.

21           “(ii) The term ‘AIDS’ means acquired immune  
22 deficiency syndrome.”.

23           (b) AVAILABILITY OF ASSISTANCE UNDER SECTION  
24 104(c).—Section 104(c) of the Foreign Assistance Act of  
25 1961 (22 U.S.C. 2151b(c)) is amended—

1           (1) by redesignating paragraph (7) as para-  
2           graph (5); and

3           (2) by adding at the end the following:

4           “(6) Assistance made available under any paragraph  
5 of this subsection, and assistance made available under  
6 chapter 4 of part II of this Act to carry out the purposes  
7 of any paragraph of this subsection, may be made avail-  
8 able notwithstanding any other provision of law.”.

9   **SEC. 4. ASSISTANCE FOR PROCUREMENT AND DISTRIBUTION OF HIV/AIDS PHARMACEUTICALS AND RELATED MEDICINES.**

12       (a) ASSISTANCE.—The Administrator of the United  
13 States Agency for International Development shall provide  
14 assistance to sub-Saharan African and other developing  
15 countries for—

16           (1) the procurement of HIV/AIDS pharma-  
17 ceuticals, anti-viral therapies, and other appropriate  
18 medicines; and

19           (2) the distribution of such HIV/AIDS pharma-  
20 ceuticals, anti-viral therapies, and other appropriate  
21 medicines to qualified national, regional, or local or-  
22 ganizations for the treatment of individuals with  
23 HIV/AIDS in accordance with appropriate HIV/  
24 AIDS testing and monitoring requirements and for

1 the prevention of transmission of HIV/AIDS from  
2 mother to child.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to the President to carry  
5 out this section \$50,000,000 for fiscal year 2002.

6 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR MULTI-**  
7 **LATERAL EFFORTS TO PREVENT, TREAT, AND**  
8 **MONITOR HIV/AIDS.**

9 There are authorized to be appropriated to the Presi-  
10 dent for each of the fiscal years 2002 and 2003 such sums  
11 as may be necessary for United States contributions to  
12 multilateral efforts to prevent, treat, and monitor HIV/  
13 AIDS in sub-Saharan African and other developing coun-  
14 tries. The amount authorized to be appropriated under the  
15 preceding sentence for any fiscal year may not exceed 25  
16 percent of the aggregate amount proposed to be contrib-  
17 uted for such fiscal year by all countries for such efforts.

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